Supreme Court, U.S.
FILED
95-792 OCT 23 1995
OFFICE OF THE CLERK

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1995

CAPTAIN J.P. TRISTANI, et al,
Petitioners,
vs.
FRANK LORENZO, et al,
Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

SUPPLEMENTAL APPENDIX TO PETITION FOR WRIT OF CERTIORARI

Moreton Rolleston, Jr.
Suite 1870- Riverwood 100
3350 Cumberland Circle, N.W.
Atlanta, Georgia 30339
770-850-1816
Attorney for Petitioners

C-1

IN THE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAPTAIN J.P. TRISTANI,
et al,

Plaintiffs

-against-

EASTERN AIR LINES,
FRANK LORENZO,
TEXAS AIR,
JETS CAPITAL CORP,
et al

95 Civ 0340(LBS)
95 Civ 0343(LBS)
95 Civ 0344(LBS)
95 Civ 0347(LBS)

US District Court
Filed
May 23,1995
S.D.Of N.Y.

Whereas the above-entitled actions having come before the Honorable LEONARD B. SAND, U.S.J.D., and the Court thereafter on April 27, 1995 having handed down its opinion (74666) and order dismissing the appeals as untimely with the consequence that this Court lacks jurisdiction. Were a timely request

before this Court for extension of time based on excusable neglect, we would deny such request. This disposition renders moot the application of Moreton Rolleston, Jr. to appear pro hac vice and it is on that ground denied.

ORDERED: That the appeals are hereby dismissed.

DATED: NEW YORK, NEW YORK

May 23, 1995

/S/ James M. Parkinson

Clerk

D-1

IN THE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE NUMBERS

95-Civ-0340 (LBS)
95-Civ-0343 (LBS)
95 Civ-0344 (LBS)
95-Civ-0347 (LBS)

CAPTAIN J.P. TRISTANI,
CAPTAIN ROGER WYATT,
CAPTAIN MORETON ROLLESTON, III,
CAPTAIN KENNETH W. MCDONALD,
CAPTAIN FRED KRUGER, CAPTAIN
PAUL WHITE, CAPTAIN ROGER W.
TRACY, CAPTAIN GEORGE HILL,
CAPTAIN FRED H. MESMER, JR.,
CAPTAIN LAWRENCE A. LINK,
FIRST OFFICER JAMES HUGHES
and MRS. MARY P. WELCH,

Plaintiffs

-against-

US District Court
(Received)
Oct. 5,1995
S.D.Of N.Y.

FRANK LORENZO,
TEXAS AIR CORPORATION,
JET CAPITAL CORPORATION
et al

Defendants.

NOTICE OF MOTION

TO: Mr. David Brown, Smith, Gambrell

& Russell, Suite 3100, Promenade II, 1230 Peachtree Street, N.E., Atlanta, Georgia 30309; Mr. John F. Wirenius, Solovay, Marshall & Edlin, 845 Third Avenue, New York, New York 10169 and Lee D. Unterman, Broudy & Jacobson, 230 Park Avenue, New York, New York 10169.

Please take notice that the within **Motion To Transfer To Atlanta District Court Or, In The Alternative, For A Non-jury Hearing On The Pending Motions By Plaintiffs** will be presented to the Court on October 24, 1995 or at such other time as the Court may direct.

/s/ Moreton Rolleston, Jr.

D-3

Attorney for Tristani

Ga. Bar 613700

MR6421

Suite 1870- Riverwood 100

3350 Cumberland Circle, n.W.

Atlanta, Georgia 30339

ENDORSMENT

This case is closed.

Motion denied as moot.

So ordered.

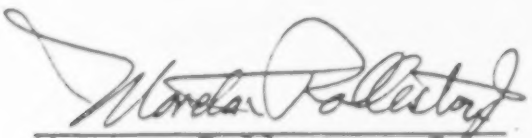
L.B. Sand

U.S.D.C.

11/2/95

Respectfully submitted this

17th day of November, 1995.



Moreton Rolleston, Jr.